

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:21-cv-00171-RJC-WCM

ELECTROLYSIS PREVENTION)	
SOLUTIONS LLC,)	
)	
Plaintiff,)	ORDER
)	
v.)	
)	
DAIMLER TRUCK NORTH)	
AMERICA LLC,)	
)	
Defendant.)	
)	

This matter is before the Court on the following motions:

1. Plaintiff's Unopposed Motion to Seal Brief, Declaration of Timothy E. Grochocinski and Certain Accompanying Exhibits (1-4) Relating to Motion to Strike and Exclude Evidence and Expert Opinions Regarding Alleged Noninfringing Alternatives as Untimely and Pursuant to *Daubert* (Doc. 160);
2. Plaintiff's Unopposed Motion to Seal Brief and Certain Accompanying Exhibits Relating to Motion for Partial Summary Judgment of Validity (Doc. 166);
3. Defendant Daimler Truck of North America LLC's Motion to Seal Memorandums and Exhibits Relating to Summary Judgment and *Daubert* Motions (Doc. 167);
4. Plaintiff's Unopposed Motion to Seal Certain of its Responses in Opposition to Defendant's Summary Judgment and *Daubert* Motions and Certain Exhibits Thereto (Doc. 172);
5. Defendant Daimler Truck of North America LLC's Unopposed Motion to Seal Memorandums in Opposition and Exhibits Relating to Plaintiff's Partial Summary Judgment and *Daubert* Motions (Doc.

181);

6. Defendant Daimler Truck of North America LLC's Unopposed Motion to Seal Defendant Daimler Truck North America LLC's Exhibits to Motion to Strike Untimely Expert Opinions (Doc. 187);
7. Plaintiff's Unopposed Motion to Seal its Replies in Support of Summary Judgment and *Daubert* Motions (Doc. 189);
8. Defendant Daimler Truck of North America LLC's Unopposed Motion to Seal Replies and Exhibits Relating to Summary Judgment and *Daubert* Motions (Doc. 192); and,
9. Plaintiff's Unopposed Motion to Seal Brief, Declaration of C. Austin Ginnings and Accompanying Exhibit 1 Relating to Plaintiff's Response in Opposition to Defendant's Motion to Strike Allegedly Untimely Expert Opinions (Doc. 200).

Collectively, these Motions are referred to herein as the "Sealing Motions."

Currently pending before the presiding District Judge are the following motions:

1. Plaintiff's Motion to Strike and Exclude Evidence and Expert Opinions Regarding Alleged Noninfringing Alternatives as Untimely and Pursuant to *Daubert* (Doc. 159);
2. Defendant Daimler Truck North America LLC's Omnibus Notice of Motions and Motions for Summary Judgment (Doc. 162);
3. Defendant Daimler Truck North America LLC's Motion to Exclude Testimony and Evidence about Resistivity and Benchtop Testing (Doc. 163);
4. Defendant Daimler Truck North America LLC's Motion to Exclude Certain Opinions of Mr. Stephen Holzen (Doc. 164);
5. Plaintiff's Motion for Partial Summary Judgment of Validity (Doc. 165);

and

6. Defendant Daimler Truck North America LLC's Motion to Strike Untimely Expert Opinions (Doc. 186).

Collectively, these Motions are referred to herein as the "Substantive Motions."

The Sealing Motions represent requests by the parties to seal certain materials that have been submitted in support of, or in opposition to, the Substantive Motions.

The undersigned finds that both as a matter of judicial efficiency and to improve the clarity of the docket the parties should produce a complete and unified list of all documents or materials they seek to seal.

IT IS THEREFORE ORDERED THAT:

1. The Sealing Motions (Docs. 160, 166, 167, 172, 181, 187, 189, 192, 200) are **DENIED WITHOUT PREJUDICE**.
2. The documents and materials that are the subjects of the Sealing Motions will **REMAIN UNDER SEAL TEMPORARILY** and until further Order of the Court.
3. Within seven (7) days of the day on which the briefing of all Substantive Motions is complete, the parties are **DIRECTED TO FILE** a joint motion, or individual motions in the event they are unable to agree on a joint motion, by which they may request the

sealing of any documents or materials submitted in support of, or in opposition to, the Substantive Motions.

4. Attached to any such joint or individual motion shall be a chart or list that includes the following information for each document that is the subject of the sealing request:
 - a. The name of the document and the document number(s) of that item;
 - b. The Substantive Motion(s) to which the subject document or material pertains;
 - c. Whether the subject document or material has also been submitted by the opposing party in connection with a Substantive Motion, or otherwise if the subject document or material currently appears elsewhere in the record (and if so, whether that document or material has previously been sealed);
 - d. The basis for the request for sealing the subject document or material; and
 - e. The position of the opposing party and any relevant nonparty with regard to the request for sealing.

Signed: September 20, 2023



W. Carleton Metcalf
United States Magistrate Judge

